

Fair Tonight; Tuesday
Partly Cloudy.

The Washington Times

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WASHINGTON, MONDAY EVENING, MAY 17, 1909.

PRICE ONE CENT.

HAINS SENTENCED TO INDETERMINATE TERM IN SING SING

Justice Garretson Takes Oc-
casion to Score the "Un-
written Law."

DEFENSE MOTIONS ARE ALL DENIED

Captain Still Holds to Apathetic
Attitude, Seemingly Not
Realizing.

FLUSHING, L. I., May 17.—
Capt. Peter C. Hains, jr., U. S. A.,
was this morning sentenced to serve
not less than eight nor more than
sixteen years at hard labor in Sing
Sing prison.

Apparently the most unconcerned
man in the court room, and seeming
by his apathetic attitude hardly to
realize what it all meant, after listen-
ing to one of the most scathing ar-
raignments of the so-called "unwrit-
ten law" ever heard in a court of
justice, Hains heard himself con-
demned to hard labor for the killing
of William E. Annis on the float of
the Bayside Yacht Club, in Queens
county, last August.

Hains Unconcerned.

The former dapper army officer, a
ghost of his former self, and seem-
ingly troubled and weighed down by
his own personal sorrow, made no
demonstration at any time, and as soon
as sentence had been pronounced, sank
heavily into a chair without evidencing
the slightest symptom of having realized
the ordeal through which he had passed.

His aged father, Gen. Peter C. Hains,
and his brother, Major John Hains, who
were in the courtroom, also took the
sentence stoically, plainly believing that
it was even better than they had hoped
for, as the justice, under the verdict of
the jury of guilty of manslaughter in
the first degree, could have made the
sentence twenty years.

It is expected that counsel for the
convicted captain will at once apply to
the courts for a writ of reasonable
doubt, and then carry the conviction to
the higher courts.

That the sentence was made light was
due in part to the fact that District At-
torney De Witt, who obtained the con-
viction, made no effort to oppose a plea
for clemency made by Attorney Eugene
Young. De Witt was willing that the
extreme penalty be not enforced in the
case, being apparently satisfied that the
judgment of conviction had been justifi-
ed.

Justice Arrives.

Justice Garretson entered his chamber
at 10 o'clock and at once gave an audi-
ence to Attorneys McIntyre and Young,
who had with them Davidson Bennett,
the lawyer who prepared the confession
signed by Claudia Hains in the captain's
home, at Fort Hamilton.

What passed was not revealed, but it
was intimated that both Young and Mc-
Intyre endeavored to impress the judge
with the fact that Claudia Hains' story
of her alleged relations with Annis came
as a frightful shock to the captain and
seemed to break down his mentality.

So soon as the conference closed Jus-
tice Garretson ascended the bench in
front of which Hains had been sitting in
a chair for more than an hour.

A nod to the attorneys and McIntyre
was on his feet.

Motions Denied.

"If it please the court," he began,
"I desire to move that the judgment of
conviction against this defendant, Peter
C. Hains, be set aside on the ground
that it was contrary to law; that it
was against the weight of evidence, and
further, I desire to move that the ver-
dict be set aside and a new trial granted
on the grounds taken by the de-
fense during the progress of the trial."

(Continued on Third Page.)

WEATHER REPORT.

Under the influence of a storm area
that is central this morning north of
Lake Ontario, rains occurred within the
past twenty-four hours in the Lake re-
gion and north Atlantic States, and at
scattered points in the middle Atlantic
States.

The winds along the middle Atlantic
coast will be light to moderate west-
erly.

FORECAST FOR THE DISTRICT.
Fair tonight. Tuesday partly cloudy;
moderate temperature; light to moder-
ate westerly winds.

TEMPERATURE.

8 a. m.	70
9 a. m.	71
10 a. m.	72
11 a. m.	73
12 m.	74
1 p. m.	75
2 p. m.	76

SUN TABLE.

Sun rises.	4:45
Sun sets.	7:07

TIDE TABLE.

Today—High tide, 5:38 a. m. and 6:25 p. m.	Low tide, 12:04 a. m. and 12:42 p. m.
Tomorrow—High tide, 6:51 a. m. and 7:38 p. m.	Low tide, 12:54 a. m. and 1:32 p. m.

CONDITION OF RIVERS.
HARPER'S FERRY, W. Va., May 17.—
Both rivers clear today.

WILLIAMS RESIGNS; HAS TUBERCULOSIS

Newly Appointed Civil Ser-
vice Commissioner Is Going
to New Mexico.

HAS BEEN IN PLACE FOR ONLY TEN DAYS

Widely Known for Work With Re-
publicans During Last Presi-
dential Campaign.

James T. Williams, jr., who, as Civil
Service Commissioner, was confirmed
by the Senate only ten days ago, re-
signed his position today because of
his discovery that he has contracted
tuberculosis.

He will leave Washington within a
few days for Fort Bayard, New Mex-
ico, which is noted as a climate calcu-
lated to cure the disease with which
he is afflicted.

Mr. Williams' illness is peculiarly
sad. He is only twenty-six years of
age, but, in spite of his youth, he had
rendered such valuable services to the
Republican party during the last
national campaign that he was made
Civil Service Commissioner. During
the campaign he was private secretary
to National Chairman Hitchcock, and
later he was the national committee's
representative on the Taft train, when
Mr. Taft made his forty-day trip
through the country.

Mr. Williams is a native of South
Carolina, and up to a year ago he was
the head of the Washington bureau of
the Boston Transcript. During his
career as a newspaper man he was
noted for his knowledge of affairs at
the departments of War, State, and
Navy, and Mr. Taft was particularly
friendly to him.

Belgium Refuses

AMERICAN REQUEST

Will Not Postpone or Transfer
Trial of Missionaries Charged
With Libel.

In response to the request of the
United States Government for a post-
ponement of the trial of the two Amer-
ican missionaries, Morrison and Shep-
herd, who are charged with criminal
libel in connection with allegations of
atrocities in the Congo, the Belgian
government informs the State Depart-
ment today that there are insurmount-
able legal obstacles preventing a post-
ponement or transfer to a more ac-
cessible point.

The court itself is the only authority
which can sanction this action.

The two missionaries, with their wit-
nesses, are now on their way to Leop-
oldville, where the trial is set for May 25.

SUPERSTITIOUS ANNIE IS HALED INTO COURT

Colored Girl Tells Judge She
Feared "Devil Doctors,"
So Screamed.

Annie Williams, colored, is but seven-
teen years old, but she has a familiari-
ty with negro superstition that belies
her years.

Annie lives in Goat alley. Last night
she was arrested for disturbing the
peace by going full steam ahead up
Pennsylvania avenue. In other words,
Annie was giving a fine exhibition of
how a Comanche Indian rallies his
battle mates when he really cuts him-
self out to yell.

Annie told Judge Mulvaney, in Police
Court, that she thought the "devil doc-
tors" were after her.

Once upon a time some one told Annie
that when doctors couldn't find it sub-
jects for the operating table any place
else, they captured live persons. Annie
said that more than two men in a
buggy were following her and she
decided they could be none else than
devil doctors.

Judge Mulvaney let her off with a
suggestion that she forget her supersti-
tious and call for a policeman when in
doubt.

GOODRICH APPEAL DISMISSED BY COURT

Fraud Not Held Sufficient to Over-
ride Distribution of
Fortune.

The appeal of George G. Goodrich,
of New York, from decision of the
California courts in distributing the
\$1,500,000 fortune of the late Thomas
H. Williams, alleging that that de-
cision was fraudulently obtained, was
today dismissed by the Supreme
Court of the United States and the
action of the circuit court confirmed.

The Supreme Court held that the
charges of fraud did not constitute
sufficient basis for an appeal and that
the constitutional question raised was
irrelevant.

DR. J. B. MERRITT FORFEITS HIS BOND

Maryland Physician Accused of
Malpractice Fails to Ap-
pear in Court.

EASTON, Md., May 17.—When the
May term of the circuit court for Talbot
county was called this morning, Dr.
J. B. Merritt, under \$5,000 bail, failed
to appear to answer the charge of mal-
practice, and his bondsmen will be held
responsible.

They are Martin M. Higgins, Alex.
Fountain, M. B. Nichols, J. S. Griffith,
James H. McNeal, and Mrs. J. B. Mer-
ritt. It is thought that the doctor is
out of the country, enroute.

WARRANT ISSUED AGAINST FOXWELL BY BOSTON JUDGE

Embezzlement of \$2,000
Specific Charge—Requisi-
tion Papers Sought.

PRISONER IS GIVEN THE THIRD DEGREE

Does Not Weaken Through Or-
deal, But Protests Innocence.
Wife Reticent.

While Capt. Charles L. Foxwell was
undergoing the "third de-
gree" this morning in the Capital,
Judge Burke, in the municipal
court of Boston, was issu-
ing a warrant for his arrest on the
specific charge of obtaining \$2,000
by fraudulent means from the
Growler Copper Company. Gov-
ernor Draper will be asked for ex-
tradition papers at once, although
Captain Foxwell has expressed his
willingness to return to Boston and
face the charges.

Police Inspector John Harris will
leave Boston armed with the extradition
papers just as soon as they are
made out by the Massachusetts gov-
ernor, which will probably be some
time tomorrow. The Boston police tele-
graphed the Washington authorities
this noon to hold Foxwell as a war-
rant had been issued for his arrest.

Chief Watts, of the Boston police, is
afraid that Captain Foxwell would not
go to Boston without extradition papers
and fears that the prisoner while pass-
ing through New York or some other
State would demand his release.

Cross-Examination.

It was a grueling cross-examination
that Captain Foxwell was subjected to.
For the ordinary prisoner it would
have been a trying ordeal. Hardened
criminals have broken down and con-
fessed under rapid fire of questions
from the detectives. Men who are ar-
rested for the first time have found the
"third degree" a nerve-racking ordeal
that has usually brought confessions
from them.

But Captain Foxwell is no ordinary
man, much less an ordinary prisoner.
Courteous on all occasions, extremely
polite to every one he meets, he an-
swered the questions of the detectives
in a most pleasing manner. When
in a most insulting manner. When
some query, almost insulting in its
veiled accusations and asked in the
hope that it would arouse his anger,
he hurried at him, he would look his
questioner squarely in the eyes and
reply:

"Really, gentlemen, I know nothing
about that. You know I am a gentle-
man, you see that; there is no reason
to think that I could answer such
questions."

From all appearances Captain Fox-
well is a gentleman by blood and breed-
ing. In many respects he is the most
remarkable prisoner that has been
caught in the police dragnet in Wash-
ington in many years.

Baffles Questioners.

Since he has been incarcerated in a
witness room at the First precinct—he
is being held for the action of the Bos-
ton authorities, where he is alleged to
have operated extensively—the police
have been sparing no pains in an effort
to learn something about the prisoner.

The detectives were told that the cap-
tain—where he got the title is some-
thing which he declines to discuss—
might have known Sid Yenny at one
time. Yenny, one of the most notori-
ous and clever bank thieves in the coun-
try, has been arrested almost a score
of times and was once in custody in
Washington.

Captain Foxwell was shown a photo-
graph of Yenny, and he said that he had
never seen him or heard of him in his
life. He denies emphatically that he
has ever been in trouble before.

There is still a persistent rumor in po-
lice circles that Mrs. Foxwell, who was
(Continued on Third Page.)

SISTERS FROM VIRGINIA MARRIED TO COUSINS

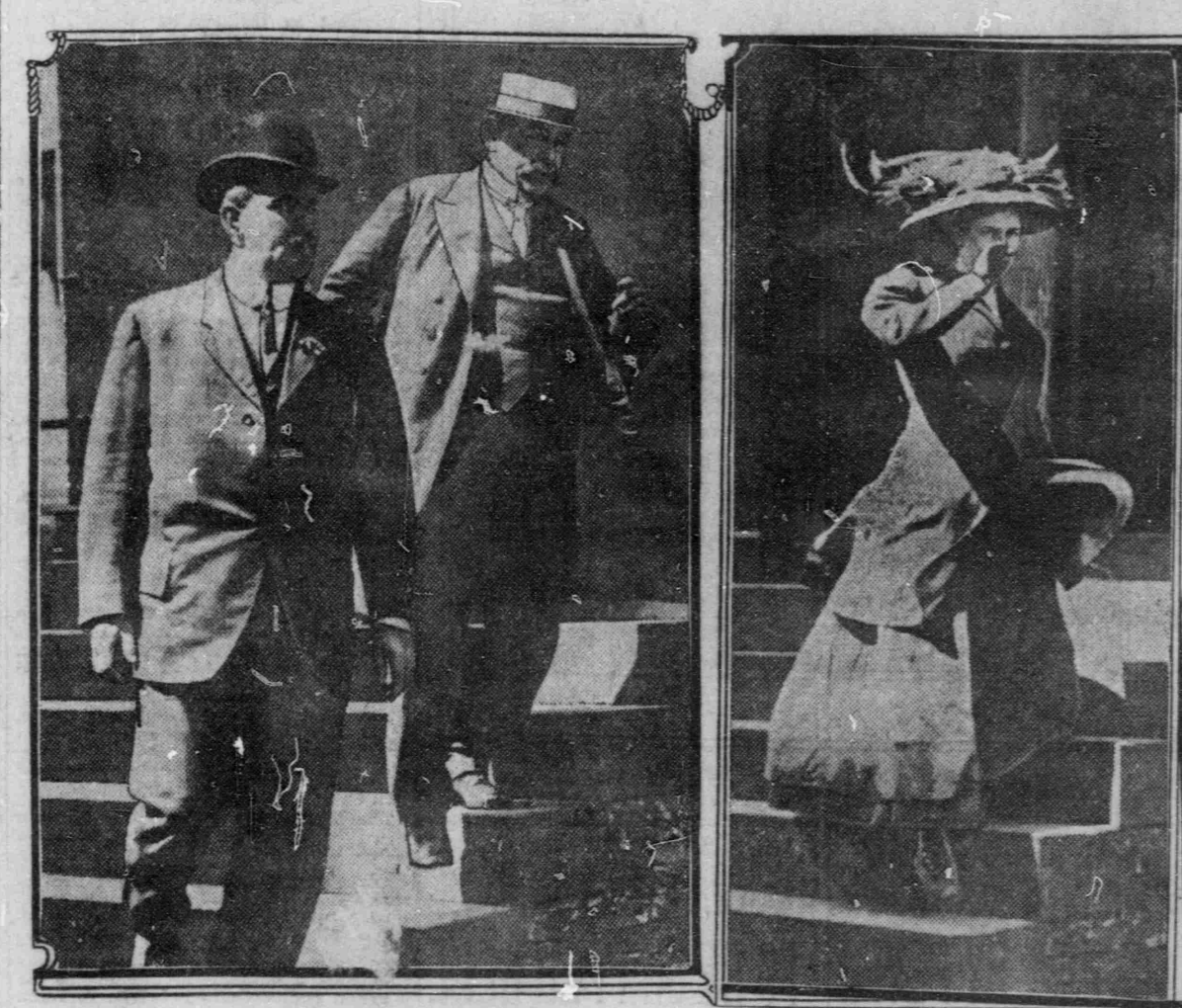
Miss Stella Hume Smith Becomes Mrs. Richard B.
Lumsden and Miss Mamie L. Smith Mrs. Robert
L. Dunaway—All Are From Louisa County.

Mr. D. Cupid, of Louisa county, Va.,
made a trip to Washington this morning.
He came as a chaperon and master of
ceremonies for a double wedding, and
having seen his charges safely wedded,
went on about his business.

Stella Hume Smith and Mamie L.
Smith, of Louisa county, are sisters.
Richard B. Lumsden and Robert L.
Dunaway are cousins; that is, this was
the relationship before the quartet called
upon the Rev. John Reid Shannon, on
C street, this morning, after having
procured two marriage licenses.

During the call on the minister, Miss
Stella became Mrs. Richard B. Lum-
sden and Miss Mamie L. Dunaway.
Also, the family relationship had
suddenly become tied in a figure-of-
eight knot, for the former Smith sis-
ters are now sisters-in-law as well, and

MAN CHARGED WITH FRAUD, AND HIS WIFE



CAPT. CHARLES FOXWELL,
Leaving Police Station, With Detective Pratt on His Left.

"LADY ALICE" FOXWELL.

CAPITAL FIREMEN FIGHTING BIG FIRE

Block of Houses Are in Path
of Flames This After-
noon.

Fire that threatens to wipe out a
block of substantial dwelling houses
broke out in the Martin Wiegand lum-
ber mill at Four-and-a-half street and
Maryland avenue about 2 o'clock this
afternoon.

The flames were sweeping over the
lumber yard before the engines arrived
and engines from the entire southwest
section of the city were throwing
streams on houses in the block in an
endeavor to check the flames.

The fire is unusually spectacular, the
lumber being dry and highly inflamm-
able.

The fire started in the rear of the
yards and had gained considerable
headway before it was discovered. The
flames soon spread to adjoining dwell-
ings on both Maryland avenue and on
Four-and-a-half street. The houses in
the entire block are in danger.

Since the streets that bound the block
are all wide there does not at the pres-
ent time appear to be any danger of
the fire leaping the boundary of the
block. Grave fears are entertained on
account of the cinders.

HANGS HIMSELF FROM BANISTERS

MILLVILLE, N. J., May 17.—Daniel
Gillen, aged thirty, tried to end his life
by hanging himself from the banister of
the stairs at his home today, but was
cut down in time to save his life.

He is alleged to have become de-
pendent over a love affair.

TRAGEDY FOLLOWS FIGHT OVER FENCE

RICHMOND, Ind., May 17.—In a fight
over a line fence separating the farms
of Alexander Meek and Frank Rail-
back, three miles west of Richmond,
this morning, Meek and his son, Ray-
mond, were shot and instantly killed.
Railback was badly wounded, and his
brother slightly wounded.

RUN DOWN BY TRAIN, VETERAN IS KILLED

G. B. Nicholson, Govern-
ment Clerk, Meets Death
Near His Home.

G. B. Nicholson, a Confederate veteran,
for twenty-two years a clerk at the
Pension Building, was struck by a train
and instantly killed at West Falls
Church, Va., this morning.

The train was what is known as the
office train of the Washington and
Bluemont division of the Southern rail-
road, and for many years Nicholson
has journeyed on it to his work at the
Pension Building.

A spell of absent-mindedness, to
which he is addicted, is said to be re-
sponsible for the accident which caused
his death. As has been his daily cus-
tom for years, he walked to the depot
this morning from his home, and was
crossing the track only a few yards
above the station when the train came
around the curve and struck him, hur-
ling his body about ten feet through the
air. Nicholson was dead when the doc-
tors reached his body.

The accident was witnessed by Charles
H. Kingsley, also an employee of the
Pension Office, who has journeyed to
his work with Nicholson for many years,
and by four Sisters of Charity, who
were waiting for the train.

Nicholson is sixty-seven years of age,
and was one of the best known resi-
dents of the upper section of Virginia.
He is survived by four children, all
of whom are grown, and a widow, who
is an invalid.

MEREDITH, THE POET, IS SERIOUSLY ILL

Grave Fears Felt That England's
Aged Writer May Not
Recover.

BOXHILL, England, May 17.—George
Meredith, England's aged poet, novelist,
and essayist, is seriously ill today at
his home here.

His illness dates from last Friday,
when he complained of feeling ill after
a long walk. He has grown steadily
worse, and owing to his advanced age,
eighty-nine years, the grave fears are
entertained.

NAMES WHITE MAN AS POSTMASTER

President Makes Good His Prom-
ise to Appoint None but
Acceptable Men.

In the nomination of T. K. Dunham,
a white man, to be postmaster at Dar-
den, Ga., the President has again
made good, in a striking manner, his
promise to appoint to Federal offices
only those who are acceptable to the
best elements of the population of the
towns concerned.

In Darden the population has a larger
percentage of negroes than of whites,
and it has been the custom for many
years to give the postmasterhood to a
colored man. In refusing to appoint
Ferdinand M. Mann, Mr. Taft has broken
the long line of precedents.

RIVER GIVES UP BOY THOUGHT KIDNAPED

Youth Missing Since Friday Not
Stolen by Gypsies.

NEWARK, Ohio, May 17.—The body
of Johnnie Attmeyer, missing since Fri-
day and supposed to have been stolen
by gypsies, was found today in the
Licking river.

HALE NOW APPROVES CONE APPOINTMENT

Maine Senator Withdraws
Opposition to Head of
Navy Bureau.

Senator Hale of Maine, who has been
holding up the nomination of Lieuten-
ant Commander H. C. Cone as chief
of the Bureau of Steam Engineering in
the Navy Department, has consented to
allow the appointment to go through.

Cone will accordingly be confirmed as
head of the bureau in question.

It appears probable that those per-
sons in and out of the Navy Depart-
ment who have been rejoicing over the
overthrow of the plans of former Sec-
retary Truman H. Newberry for the re-
conduct of the department, have been
conducting their chickens before the
hatching process has been entirely com-
pleted.

On Friday the appointment of Lieuten-
ant Commander Cone as chief of the
Bureau of Steam Engineering was an-
nounced.

Rap at Newberry.

The appointment was widely comment-
ed on as a rap at the plans of Mr. New-
berry for conduct of the steam engin-
eering branch of the Navy Department,
and in general as a blow at the con-
solidation plans of Mr. Newberry, who
was seeking to consolidate the divisions
of work in the navy yards and intro-
duce something like order, business, and
economy into the administration of the
yards.

Senator Hale, until lately chairman of
the Senate Naval Affairs Committee,
and now a member of the committee,
blocked the confirmation of Cone.

Nothing Personal.

Senator Hale has nothing against Cone
personally. It was stated on authority
today. In fact, he does not know him.

But that he wanted to know was
what were the ideas of the new appointee
as to running the Bureau of Steam
Engineering, and what his ideas of
naval administration are generally.

Senator Hale was in sympathy with
the Newberry plan. He was favorable
to the scheme taken by Mr. Newberry
in practically dispensing with the Bu-
reau of Steam Engineering as a separ-
ate bureau and putting Rear Admiral
Capps, chief of construction, in charge
of the work imposed thereon. Mr.
Newberry made the Steam Engineering
Bureau, in other words, subordinate to
the Construction Bureau. Senator Hale
is a friend of Capps and wants nothing
done that will seem to be a blow to
Capps.

Against Radicals.

Neither does he want the plans of the
radical reformers in the Navy Depart-
ment carried out.

In some quarters it was charged that
Senator Hale fears Cone's appointment
is going to be a blow at the old bu-
reaucratic element of the navy and that
he wanted to be assured this would
not be the case before consenting to
confirmation. It was given out today
that he had satisfied himself that Cone's
appointment would cause no friction
and he would consent to it.

JUDGES SELECTED FOR CADET DRILLS

Lieutenants Rockwell, Holabird,
and Sultan Will Decide Compe-
tition Between Companies.

Announcement was made today that
Lieuts. C. K. Rockwell, chairman; J.
A. Holabird, and D. L. Sultan, all En-
gineer Corps, U. S. A., will be the
judges in the High School cadet drills
tomorrow and Wednesday.

The announcement of the naming
of the judges was made from the
school offices this morning.

Interest in the outcome of the drills
is intense and not confined to the
pupils in the schools.

The first drill will be tomorrow
afternoon at the baseball park at
3:20. Wednesday afternoon's drill
will be at the same time and place.

DR. NEEDHAM SEES SOME HOPE AHEAD FOR HIS UNIVERSITY

Declares G. W. U. Will Get
on Its Feet Again If
Funds Are Found.

ALUMNI ASSAIL THE PRESIDENT

Say Institution Is Only on Paper,
and Charge Misan-
agement.

With the admission by Dr.
Charles W. Needham, president of
the George Washington University,
that the institution was in a serious
way financially, and that unless aid
was forthcoming it would ultimately
have to close, and the charge by
prominent members of the faculty
that it was becoming a university
only on paper, mortgaged almost to
the limit, the affairs of the institu-
tion reached a critical stage today.

"The George Washington Uni-
versity will not close its doors this
year or next year. But unless it se-
cures large endowment or is adopt-
ed by the District of Columbia
along the lines of the State universi-
ties, it may be compelled to close. I
do not expect any such end for the
institution."

Dr. Needham Hopes!

This was the statement made today
by President Needham.

But he is hopeful of the future; he
feels sure that the necessary money will
come and also believes that the plans
for higher education, better standards
of teaching and improved equipment
which he has pressed upon the trustees
and faculty, will be provided along
the lines that have been laid out despite
the stress.

On the other hand, Dr. Needham's
critics claim that the university is be-
ing managed in a "wild cat" manner;
that its ideal is ridiculously high,
and that an attempt is being
made to compete with the biggest
and best endowed universities in the
country with absolutely no financial
basis for such competition. Had a like
attempt been made in the business field
it would be denounced by all conserva-
tive investors, as a foolish scheme, an
error in the faculty and alumni de-
cisions.

Assailed by Alumni.

Members of the alumni who assail Dr.
Needham's administration assert that
it in its present scope cannot last much
longer, because of a lack of funds, as
well as a lack of funds. They declare
that various departments, hitherto self-
sustaining, have suffered from the at-
tempt to expand the university, and
that the present faculty is out of all
proportions to the demands of the stu-
dents.

As evidence of the financial stress
they point to the president's report to
the board of trustees submitted on No-
vember 10, 1908. This shows the ex-
penses of the institution for the school
year of 1907-08 to have been \$25,414.12.
The receipts were \$17,538.82.
The deficit of \$7,875.30, according to
the report, "was paid out of the general
funds of the university, excepting the
balance shown below, carried over to
the present year."

"In this balance shown below," de-
clares the president, "the deficit of the
year of the report. At the very end
of this highly colored document comes
the statement that the amount carried
over from the previous year is \$2,600.25."

Admits the Crisis.

"In view of the fact that President
Needham admits that the university
will run short in all its departments, it
is hard to see how it is to shoulder this
accumulated debt along with the one
that will accrue this year."

But the board of trustees was not at
the time this report was published is shown
by the comment made by President
Needham in the report.

"It is apparent that the university can
not go forward on its present policy of
advanced work, with increasing num-
bers of students, without a provision
for the annual deficit. The liquid funds
of the university will be exhausted this
year. The result of the policy adopted
and put in force in 1905 have demon-
strated that there is a large and grow-
ing demand in the city of Washington
for higher education of the best qual-
ity. The question now before us is: Shall we
turn back and further forsake the cause
for which we have labored and sacrificed
for the last few years?"

Advertising Scheme.

"In my opinion," said the alumnus
who cited the report, "the development
of the so-called university has been little
more than an advertising scheme and
the student body today, in numbers and
in the subjects they wish to take, do
not justify the large teaching staff that
is being paid from the university's
shrinking funds."

"The new building that never went
any further than the plans is a magni-
ficent example of the alleged expansion.
Plans for the building were drawn and
circulated all over America and abroad.
There was not a cent to justify this
project."

The prospectus of the university pre-
sents the same aspect. Courses are
mapped out that would do credit to
universities with endowments of mil-